

Amendments to the Claims:

1-10. (Withdrawn)

11. (Currently amended) A substantially pure *Yatapoxvirus* nucleic acid molecule having at least 99% nucleic acid sequence identity to SEQ ID NO:5, wherein said nucleic acid molecule encodes a *Yatapoxvirus* immunomodulatory polypeptide.

12. (Original) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule is selected from the group consisting of genomic DNA, cDNA, and mRNA.

13. (Original) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule comprises a nucleotide sequence that encodes a polypeptide with an identifiable signal sequence.

14. (Withdrawn)

15. (Original) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule encodes a tanapox virus polypeptide.

16. (Currently amended) The nucleic acid molecule of claim 11, wherein said

nucleic acid molecule encodes a polypeptide comprising an amino sequence that is substantially 99% identical to the amino acid sequence of ~~SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 4, or SEQ ID NO: 6.~~

17. (Currently amended) The nucleic acid molecule of claim 16, wherein said nucleic acid molecule encodes a polypeptide comprising the amino acid sequence of ~~SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 4, or SEQ ID NO: 6.~~

18. (Currently amended) The nucleic acid molecule of claim 11, wherein said nucleic acid molecule comprises a nucleotide sequence that is substantially 99% identical to the nucleotide sequence of ~~SEQ ID NO: 3, SEQ ID NO: 5, or SEQ ID NO: 7.~~

19 and 20. (Cancelled)

21. (Currently amended) A The nucleic acid molecule of claim 20, wherein said nucleic acid molecule comprises a sequence that is antisense to the coding strand of a ~~Yatapoxvirus nucleic acid molecule~~ SEQ ID NO:5, or a fragment thereof.]

22. (Original) A vector comprising the nucleic acid molecule of claim 11.

23. (Currently Amended) The vector of claim 22, wherein said vector is a ~~gene~~ therapy mammalian expression vector.

24. (Original) A cell comprising the vector of claim 22.

25. (Currently Amended) The vector of claim 22, wherein said nucleic acid molecule is operably linked to regulatory sequences for expression of a ~~Yatapoxvirus~~ tanapox virus polypeptide and wherein said regulatory sequences comprise a promoter.

26. (Original) The cell of claim 24, wherein said cell is selected from the group consisting of a human cell, a primate cell, and a rodent cell.

27-31. (Withdrawn)

32. (Original) A probe for analyzing a *Yatapoxvirus* gene or a *Yatapoxvirus* gene homolog or fragment thereof, said probe having at least 99% nucleotide sequence identity to ~~a sequence encoding a *Yatapoxvirus* polypeptide or~~ SEQ ID NO:5, or a fragment thereof, wherein said fragment ~~comprises~~ encodes at least six amino acids, and said probe hybridizes under high stringency conditions to at least a portion of a *Yatapoxvirus* nucleic acid molecule.

33. (Currently Amended) The probe of claim 32, wherein said probe has 100% complementarity to a nucleic acid molecule encoding a ~~Yatapoxvirus~~ polypeptide SEQ ID NO:4, or a fragment thereof, wherein said fragment comprises at least six amino acids, and said probe hybridizes under high stringency conditions to at least a portion of a *Yatapoxvirus* nucleic acid molecule.

34-46. (Withdrawn)

47. (Original) A kit for the analysis of a ~~Yatapoxvirus~~ tanapox nucleic acid molecule, said kit comprising a nucleic acid molecule probe having at least 99% sequence identity to SEQ ID NO:5, or a fragment thereof encoding at least 6 amino acids, for analyzing a ~~Yatapoxvirus~~ tanapox nucleic acid molecule present in a test subject.

48-58. (Withdrawn)